IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 308 OF 2007
IN
CRIMINAL APPEAL NO. OF 2007

State of Maharashtra ..Appellant
versus
Amirjan Abdul R. Shaikh & 2 Ors. ..Respondents

Mr. P.A. Pol, APP for the Appellant - State.

CORAM : D. G. DESHPANDE, &
SMT. NISHITA MHATRE, JJ.

DATE : 19TH APRIL, 2007.

P.C.

1. Heard learned APP for the State. This is an application for leave to file Appeal against the order of acquittal of the respondents - accused. They came to be prosecuted in the following circumstances:

> **"That on 28.6.2006 a telephone call was received from one unknown person at about 8.55 p.m. informing that one bus of National Travels proceeding towards Bangalore was standing in front of Maharaja hotel near the S.T. Stand and in that bus one bag containing fake currency notes, is below seat No.5 in that bus. Therefore, in order to confirm the information the complainant P.I. Mr. Ashok Survegandh**

along with other police staff and panchas went on the spot. Accordingly, they found that the bus of National Travels bearing No. KA-09-2799 was standing in front of hotel Maharaja. The bus was in starting condition. The driver was present there. Some passengers have also occupied their seats in the bus. They made inquiry with the bus driver as to where the bus was going? Thereupon he replied that the bus was going to Bangalore. Therefore, they all entered into the bus, checked the bus and found that one Rexin bag, black in colour was found below seat No.5 in that bus. They have opened the bag and found bundles of the notes of the denomination of Rs.500/- and Rs.1,000/-. All those bundles were wrapped in the bed-sheet. The inquiry was made with the passengers in the bus but no one has claimed as the owner of the said bag. Therefore, they made inquiry with the driver and cleaners of the bus. They have given evasive answers in respect of ownership of the bag. They have also inquired as to who was passenger on seat No.5. They have not given satisfactory answer. Therefore, the bus was taken to Shahupuri police station along with passengers. Then the currency notes were checked through the manager Mr. Ajit Kolhapur from State Bank of India, Treasury branch, who after checking the currency notes certified that those were counterfeit currency notes. Therefore, the F.I.R. was lodged by P.I. Mr. Survegandh alleging that two cleaners and one driver of the bus have found in possession of those currency notes for trafficking the same in currency."

2. From the facts stated above, it is clear that no knowledge can be attributed to the respondents - accused about the fake currency notes; the bag was not in their possession. Merely because

they could not give satisfactory answers or explanation could not be a ground to prosecute them. The acquittal is perfectly justified, in the circumstances. No interference is called for. Leave refused. Application disposed of accordingly.

(SMT. NISHITA MHATRE, J.) **(D.G. DESHPANDE, J.)**